

Court of Appeals, State of Michigan

ORDER

People of MI v Ty-Ron Steven Anderson

Docket No. 352451

LC No. 14-010853-01-FC

Karen M. Fort Hood
Presiding Judge

Christopher M. Murray

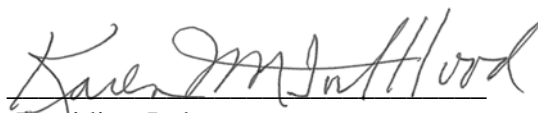
Cynthia Diane Stephens
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

Pursuant to MCR 7.205(E)(2), the Court orders that the Wayne Circuit Court's October 30, 2019 opinion and order is VACATED and this matter is REMANDED to that court for reconsideration of defendant's motion for relief from judgment. The trial court erred in applying the principle of res judicata to preclude defendant from raising his claims of ineffective assistance of counsel; motions for relief from judgment are governed by MCR Subchapter 6.500. Defendant's current claims of ineffective assistance of counsel are separate and distinct from those he asserted in his prior appeal. Whether the alleged acts or omissions of trial counsel establish a successful claim of ineffective assistance of counsel must be independently assessed. The trial court is directed to consider the issues raised in defendant's motion for relief from judgment. This order is to have immediate effect. MCR 7.215(F)(2).

The motion for remand is DENIED.

We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

Date


Chief Clerk